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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Item 7: Human Rights Violations in Occupied Palestinian Territories

Since creation of Israel, the world has witnessed extensive violation of the Palestinian people's human rights including women and children, taking place in various forms. The question of Palestine is inextricably linked with the history of the United Nations and is one of the longest unresolved issues on UN agenda.[1]

The problem continues unabated. There have been reports of extensive human rights violations by eye witnesses, NGOs and international organizations in recent measures taken by Israeli officials, this year, since the holding of demonstrations by Palestinians across the West Bank and Gaza Strip on the anniversary of the founding of Israel and the United State Embassy move to Jerusalem.

1. Violation of humanitarian law: attacks on civilians and killings

From 30 March 30 to 8 June 2018, Palestinian attempted to breach the fences and the Israeli military shot and killed protesters on the basis of a policy to use live ammunition against people who approached or attempted to cross or damage the fences, according to public statements by Israeli officials and a submission to Israel's supreme court.

In the weekly protests, Israeli forces fired on demonstrators and killed 118 people, including 14 children, and wounded 3,895[2]. In the time period between March 30th and June 30th 2018, a total of 15,501 Palestinians were injured by Israeli forces, of whom 8,221, or over half, required hospitalization.[3]

Based on the UN OCHA report, contributed by the World Health Organization and the Disability Working Group, as of 3 July 2018, 53 Palestinians received lower limb amputations and eight had upper limb, with 11 of the amputees being children. Additionally, at least ten other Palestinians have been left paralyzed following spinal cord injuries. As of 26 June 2018, more than 1,400 Palestinians "with severe injuries were at risk of longer-term physical disability, including 454 patients who suffered severe vascular injuries and 954 patients who sustained comminuted fractures".[4] Among these people, there were medics, journalists, children, and others who were hundreds of meters away from the fences.

[1] https://www.un.org/sg/en/content/sg/speeches/2018-02-05/inalienable-rights-palestinian-people-remarks-opening-2018-session.

[2] https://www.hrw.org/news/2018/06/13/israel-apparent-war-crimes-gaza.

[3] https://www.ochaopt.org/content/addressing-rehabilitation-needs-palestinians-seriously-injured-during-gaza-demonstrations.

[4] https://www.ochaopt.org/content/monthly-humanitarian-bulletin-june-2018.

Israel claims that some Palestinian protesters have been violent to justify the excessive use of force against them, but according to international law and human rights standards, deadly force can only be used in "urgent need". The killings committed by the Occupation forces, can be considered as extensive violation of international law and intentional killings of civilians during occupation, can result in grave violation of the Geneva Convention and as a result be deemed as war crimes.

In addition to the use of lethal force against Palestinians, Israel policies have made life really difficult for the people living in occupied regions. The blockade of Gaza has turned the region into what is called the largest open prison in the world. The Gaza situation is so challenging that the United Nations Country Team in Occupied Palestine Territory has predicted that Gaza will become unlivable by 2020 unless concrete action is taken by Israel, the PA, Hamas and by the international community to improve basic services and infrastructures in the region. [5]

2. Grave violations and refusal of access to fundamental human rights

According to António Guterres speech in opening of the 2018 Session of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, two million Palestinians are struggling everyday with crumbling infrastructure, an electricity crisis, a lack of basic services, chronic unemployment and a paralyzed economy. All of this is taking place amid an unfolding environmental disaster.[6]

By attacking Palestinians during the Gaza protests, Israel injured and maimed a notable number of the demonstrators. These attacks resulted in the loss of the right of individuals to their health either temporarily or permanently. The right to health is intertwined with the right to life (first generation of human rights) and furthermore connected to right to hygiene and social services. Furthermore, the right to a healthy environment which is in the third generation of human rights is also nourished by the right to health. Thus the right to health can be seen as the connection link of various generations of human rights.

According the right to health, all people should have access to the health services they need, when and where they need them, without suffering financial hardship.

The recent increased demand on health services exacerbates a number of longstanding challenges to the capacity of the health sector in Gaza. These challenges include on-going shortages of medicines and medical disposables, large electricity deficits for health facilities, a continuing salary crisis affecting government employees and Israeli restrictions on access for vulnerable patients requiring health care not available in Gaza. Additionally, the import to Gaza of materials required for the production of artificial limbs, including carbon fiber and epoxy resins, is restricted, due to Israel's consideration of these materials as 'dual use' items, which could be used also for military purposes.[7]

The challenges do not end here, in July 2018, Israel tightened its longstanding blockade on the Gaza Strip, worsening the already desperate humanitarian situation. Over 100 million liters of poorly-treated sewage is discharged into the sea every day. [8] It poses serious health and environmental hazards for Gaza's population, particularly during the summer when swimming in the sea is one of the few recreational activities available to the population of Gaza.

Good health is also clearly linked to other basic human rights including access to safe drinking water and sanitation, nutritious foods, adequate housing, education and safe working conditions.

After Israeli decision, announced on 9 July 2018, which close the Kerem Shalom (Karm Abu Salem), commercial crossing into Gaze, human rights abuse of Palestinian in the region will increase. The economy in Gaza is already extremely damaged due to the siege and the various Israeli assaults, but the latest move will worsen the state of the strip to a further extent. By this collective punishment of Israel, Palestinian people cannot even access their basic rights of health and welfare. Furthermore, they will deprive of humanitarian international aid.

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[5] file:///C:/Users/user/Downloads/gaza_10_years_later.pdf.

[6] https://www.un.org/sg/en/content/sg/speeches/2018-02-05/inalienable-rights-palestinian-people-remarks-opening-2018-session.

[7] https://www.ochaopt.org/content/addressing-rehabilitation-needs-palestinians-seriously-injured-during-gaza-demonstrations.

[8] https://www.ochaopt.org/reports/humanitarian-bulletin.

3. Violation of the right to housing and forced migration:

The recent occurrences in occupied Palestine shows that alongside Israel's settlement building and forced migration of Palestinians, other policies are used to make parts of this region uninhabitable. This is while, staying where one is living is the natural right of any individual, the logical result of which is to prevent forced migration and movement of individuals and groups.

These events also, exacerbated the vulnerability of Palestinians living in, or dependent on access to, an area in eastern Nablus governorate designated in the 1970s as closed for Israeli military training, known as Firing Zone 904A.[9]

Between 17 and 24 June 2018, Israeli forces carried out a large military exercise in the area that disrupted the lives of approximately 250 residents of Tell al Khashabeh, a herding community on the southern edge of the firing zone. Another place is Yanoun which is located just outside the firing zone, during the night of 14 June 2018, Israeli forces conducted military training within the built-up area of the community. According to eyewitnesses, soldiers opened fire at one uninhabited house. While the incident ended without injuries or additional damage (apart from the targeted house), it generated fear and anxiety among the residents, particularly children.[10]

Cases such as the destruction of properties and infrastructures, and other measures that have been taken to change the legal and lawful situation and demographics and the geographical nature of occupied Palestinian territories, as well as violating the basic rights to adequate housing which is one of the adequate rights to life, can result in the grave violation of the Fourth Geneva Convention and also war crime according to the 1998 Rome Statute. The adoption of new policies such as the demolition of Khan Al-Hamr village, as part of these policies, can strengthen this assumption.

Recommendations:

- The Organization for Defending Victims of Violence (ODVV) calls upon the international community and international human rights and humanitarian law organizations to endeavor towards the establishment of peace and security in Palestine and to apply further pressure on the Israeli forces to end the illegal blockade of the Gaza Strip.
- The ODVV urges the Council to send international observers to the Gaza Strip to investigate the dozens of Palestinian protesters deaths that took place on 30th of March in Gaza to increase transparency and safeguarding the respect to human dignity.
- The ODVV deems the commitment and accountability of the occupation forces towards the occupied territories very important and calls for the Israeli officials to remain meet their commitments in the occupied territories.

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[9] These areas are home to 6,200 Palestinians living in 38 small Palestinian Bedouin and herding communities, including those in the eastern Nablus area. To different degrees, these communities have been affected by a coercive environment generated by a range of Israeli policies and practices that place residents at risk of forcible transfer (https://www.ochaopt.org/content/palestinian-communities-risk-forcible-transfer-case-eastern-nablus-firing-zone).

[10] https://www.ochaopt.org/content/palestinian-communities-risk-forcible-transfer-case-eastern-nablus-firing-zone.